

REMARKS

Claims 42-47, 50-79 and 81-90 are pending in this application, with claims 59-78 and 81-86 withdrawn from consideration. Claims 42, 53, 54, and 79 are amended. Claim 80 is cancelled without prejudice. No new matter has been added as the amendments have support in the specification as originally filed. It is submitted that the application, as amended, is in condition for allowance. Reconsideration and reexamination are respectfully requested.

Applicant notes that the Office Action Summary failed to indicate that claims 59-78 and 81-86 were withdrawn from consideration. Applicant respectfully requests such an indication on the next communication from the USPTO on this application.

Claims 42-47, 52-58, 79, 89, 90 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Needham et al (US 6,188,767) in view of Lalwaney (US 2004/0037237) and further in view of 3GPP2 "Upper Layer (Layer 3) Signaling for cdma2000 Spread Spectrum Systems" 3GPP2 C.S005-d version 1.0 ("3GPP2"). Claims 50, 51, 87 AND 88 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Needham in view of Lalwaney in view of 3GPP2 and further in view of Border (US 2002/0016851A1). Claim 80 is rejected under 35 U.S.C. 103(a) as being unpatentable of Needham in view Lalwaney. Claim 80 has been cancelled without prejudice, thus rendering the rejection of claim 80 moot. Applicant respectfully traverses these rejections, and requests reconsideration and allowance of the pending claims in view of the following arguments.

Rejection under 35 U.S.C. § 103 (a) as being unpatentable over Needham in view of Lalwaney and further in view of 3GPP2

Claims 42-47, 52-58, 79, 89, 90 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Needham in view of Lalwaney and further in view of 3GPP2.

As amended, independent claim 42 recites generating a public long code mask comprising the received flow identifier, a predetermined portion of a channel identifier for identifying a corresponding forward broadcast supplemental channel among the plurality of forward broadcast supplement channels, and a specific header having a value that does not

coincide with previous public long code masks and does not coincide with previous long code masks.

Page 3 of the Office Action states that Figs. 3 and 4, col. 3 lines 55-67, and col. 4, line 57-col. 5 line 5 of Needham disclose generating a public long code mask, using the received flow identifier and, a predetermined portion of a channel identifier for identifying a corresponding forward broadcast supplemental channel among the plurality of forward broadcast supplement channels. Applicant provides the following remarks.

Needham is related to the field of wireless communications, specifically, to code division multiple access (CDMA) communication systems that provide group call communication service. To support group call communication service, Needham discloses a public long code mask 310 including two distinct fields 401 and 402 (Fig. 3 Needham). As illustrated in Fig. 4 of Needham, a first field 401 acts as a tail appended to permuted identifier field 402 and the permuted identifier field 402 is generated using the talk group ID. (Col. 3 line 64-col. 4 line 10, Needham). Accordingly, Needham discloses a long code mask with two distinct fields. However, Needham is distinguishable from independent claim 42 since Needham does not disclose any channel identifier for identifying a corresponding forward broadcast supplemental channel among the plurality of forward broadcast supplement channels which is included in a public long code mask. Specifically, the public long code mask of Needham only has two distinct fields, while the public long code mask recited in independent claim 42 comprises “the received flow identifier, a predetermined portion of a channel identifier for identifying a corresponding forward broadcast supplemental channel among the plurality of forward broadcast supplement channels, and a specific header having a value that does not coincide with previous public long code masks and does not coincide with previous long code masks.” More specifically, the public long code mask recited in independent claim 42 comprises three fields, while the public long code mask of Needham only discloses two fields. Accordingly, a public long code mask comprising two distinct fields is distinguishable from a public long code mask comprising three fields.

Moreover, page 3 of the Office Action states that the Walsh code of Needham discloses “a predetermined portion of a channel identifier.” Applicant provides the following remarks.

Col. 3 lines 55-60 of Needham disclose that “coded information bit stream has been created, one of 64 available Walsh codes 318 is used to generate a high chip rate (i.e., wide bandwidth) stream 320. According to a preferred embodiment, a “short code” 322 is then applied to the bit stream to help achieve isolation between base sites.”

A review of the passage above reveals that at best, the Walsh code of Needham is used to generate a “short code”. Accordingly, the public long code mask of Needham does not comprise the Walsh code. Therefore, since the Walsh code of Needham is used to generate a “short code” and therefore is not stored in the public long code mask, Applicant submits that the Walsh code of Needham cannot teach or suggest a predetermined portion of a channel identifier, as recited in independent claim 42.

Applicant has demonstrated above that Needham fails to teach or suggest various elements recited in independent claim 42. Additionally, Applicant submits that Lalwani and 3GPP2 fail to cure the cited deficiencies, therefore, independent claim 42 should be allowable over the cited combination of references. Furthermore, independent claim 79 recites elements similar to independent claim 42 and should be allowable for reasons similar to those presented with respect to independent claim 42. Finally, claims 43-47, 52-58, 89, and 90 should be allowable at least by virtue of their respective dependence on allowable independent claims 42 and 79.

Rejection under 35 U.S.C. § 103 (a) as being unpatentable over Needham in view of Lalwani in view of 3GPP2 and further in view of Border

Claims 50, 51, 87 AND 88 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Needham in view of Lalwani in view of 3GPP2 and further in view of Border.

Applicant has demonstrated above that independent Needham, Lalwani, and 3GPP2 fail to teach or suggest all of the elements recited in independent claims 42 and 79. Additionally, Applicant submits that Border fails to cure the stated deficiencies of Needham, Lalwani, and 3GPP2, and therefore, independent claims 42 and 79 would still be allowable over the cited combination of references. Finally, claims 50, 51, 87, and 88 should be allowable at least by virtue of their respective dependence on allowable independent claims 42 and 79.

CONCLUSION

In light of the above remarks, Applicant submits that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application is requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,
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